

REMARKS

By this amendment, Applicants have amended claim 1 to include the features of claims 2, 3 and 10. Support for these amendments to claim 1 can be found in the published specification US 2006/0216202 as filed, for example, at paragraphs 10, 16, 18 and claims 2, 3, and 10. Claims 1, 7, and 11 have been amended to make them consistent with independent claim 1. Claims 2, 3, and 10 have been canceled without disclaimer and Applicants reserve the right to pursue them in one or more divisional/continuation applications. These amendments do not add new matter. Applicants respectfully request entry of these amendments and allowance of the pending claims.

I. Rejection Under 35 U.S.C. §102(b)

The Examiner rejected claim 1 under 35 U.S.C. §102(b) as allegedly anticipated by US 2001/0054281 (Adams). Applicants respectfully disagree. Nevertheless to advance prosecution, Applicants have amended claim 1 to include the features of claims 2, 3 and 10, which are not part of this rejection. Therefore, this rejection is now moot.

II. Rejection Under 35 U.S.C. §103(a)

The Examiner rejected claims 2-7 and 9-12 as allegedly being obvious under 35 U.S.C. §103(a). The Examiner also rejected claim 8 under 35 U.S.C. §103(a) as allegedly being obvious in view of Adams and Fuel 1997 (Neeft). Applicants traverse these rejections.

A prior art reference cannot render an invention obvious if the reference teaches away from the claimed invention. *KSR International Co. v. Teleflex Inc.* 127 S. Ct. 1727, 1734. None of cited references disclose or make obvious, among other things, where the first substream of hot combustion offgases makes up from 60 to 95% of a total mass flow of the two substreams and wherein the first substream of hot combustion offgases is produced by burning a motor fuel in a first stream of combustion air and the second substream of hot combustion offgases is produced by burning gaseous hydrocarbons in a second stream of combustion air, passing the combustion offgases over the catalyst to be

tested and determining the pollutant conversions effected by the catalyst, wherein the temperature of the first substream of combustion offgases is reduced to a value in the range from 800 to 200°C before it is mixed with the second substream of combustion offgases. Further, the claims now recite that the second substream of offgases is generated by burning gaseous hydrocarbons. Adams and Neeft are simply silent on these aspects of the present application.

Moreover, the present application is directed to enriching the offgases of the first substream for testing the catalyst (see specification at page 5, lines 27 to page 6). In contrast, Adams is more concerned with having lean offgases (see Adams at paragraphs 43 and 46). Therefore, Adams while not being confronted with the problem of aging under rich condition would not have sought for providing rich offgas streams and would not have arrived at introducing offgases from a gas burner within a certain temperature range of the first substream. Thus, Adams teaches a person of ordinary skill in the art away from the claimed method.

Neeft does not solve the problem left unsolved by Adams. Applicants respectfully submit that one of ordinary skill in the art would not combine Adams with Neeft as Adams teaches away from the present claims. Therefore, the claims cannot be considered obvious over any of the cited references alone or in combination. Accordingly, Applicants request that the rejections under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Conclusion

Reconsideration and allowance are respectfully requested. No fee other than the enclosed fee for three-month extension of time is believed to be due with respect to the filing of this Response.

If any further fees are deemed due, or an overpayment has been made, please charge, or credit, Deposit Account No. 11-0171 for such sum.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicant's attorney at the telephone number provided below.

Respectfully submitted,

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